Transfer Policy of High Court Judges

3209. SHRI R.K. ANAND : Will the Minister of LAW AND JUSTICE be pleased to refer to the reply to Unstarred Question 582 given in Rajya Sabha on 24th February, 2003 and state :

(a) whether it is a fact that a policy has been framed earlier that a Judge of the High Court could be transferred to another High Court in case any of the kith and kin of that Judge are practising in the same High Court;

(b) if so, how many Judges have been transferred so far, and

(c) if not, the reasons why Government are not able to make such a policy?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITLEY): (a) The Government had accepted as a policy the recommendations of the Law Commission in its 80th Report that there should be a convention according to which 1/3rd of Judges in each High Court should be from any other State. The Government had decided that this may be implemented either by making initial appointments from outside or by effecting transfers. Pursuant to this policy, transfer/appointment of Judges and Chief Justices of the High Courts are being made on the recommendations of the Chief Justice of India.

The policy was drawn up not only to foster national integration but also to improve the functioning of the High Courts. However, members of the BAR, before appointment as Judges are required to furnish details about relations working or practising in that or any other High Court or the Supreme Court of India.

(b) and (c) Do not arise.

Vacancies of Judges in Supreme Court and High Courts

3210. SHRI MURLI DEORA : Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of posts of Judges lying vacant in various High Courts and Supreme Court at present and the period from which these are lying vacant alongwith the reasons therefor;

(b) the steps taken to fill them up and the time by which these will be filled up to clear the backlog of cases;

(c) whether Government propose to stop summer and winter vacations for Judges; and

(d) if not, the logic behind continuing these vacations when arrears of cases have been mounting year by year?

THE MINISTER OF LAW AND JUSTICE (SHRI ARUN JAITELY) : (a) As on April 16, 2003, there were two vacancies in the Supreme Court and 136 in the High Courts. In the Supreme Court, the vacancies arose on 19-12-2002 and 5-4-2003 respectively. The information regarding the age of vacancies in the High Courts is being collected and shall be laid on the Table of the House. However, vacancies keep arising on account of retirements, resignation or elevation of Judges.

(b) Pursuant to the Supreme Court Judgment of October 6, 1993 read with the Advisory Opinion of October 28, 1998, the process of initiation of proposals for appointment of Judges of a High Court lies with the Chief Justice of that High Court. The Government has, however, been requesting the Chief Justices of the High Courts, Chief Ministers and the Governors of the States, from time to time, to initiate proposals for filling up of the present and the vacancies anticipated during the next six months. They were last reminded on April 3, 2003.

(c) and (d) No, Sir. However, in order to reduce huge pendencies in the High Courts, the Government has requested the High Courts to consider that the vacation/holidays of the High Courts be fixed in such a manner that the number of working days (Bench sittings) of High Courts may not be less than at least 222 days in a year.

Lok Adalat in Jharkhand and Bihar

†3211. SHRI ABHAY KANT PRASAD : The Minister of LAW AND JUSTICE be pleased to state :

(a) the number of Lok Adalats held in Jharkhand and Bihar during the last three years;

(b) to what extent people have been benefited by these Lok Adalats;

(c) the number of cases/disputes disposed of by the Lok Adalats during the above said period;

(d) whether Government propose to arrange more such Adalats and also at new places, and

(e) if so, the details thereof?

† Original notice of the question was received in Hindi.